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12	Attorneys for Federal Defendants				
13	IN THE UNITED STATES DISTRICT COURT				
14	FOR THE EASTERN DISTRICT OF CALIFORNIA SACRAMENTO DIVISION				
15	CALIFORNIA FORESTRY ASSOCIATION,	)			
16	et al.,	) No. CIV-S-05-0905 MCE/GGH			
17	Plaintiffs,	) ) STIPULATION TO MODIFY			
18	V.	) BRIEFING SCHEDULE )			
19	GAIL KIMBELL, Chief, United States Forest Service, et al.,				
20	Federal Defendants.	) ) (Palatad Casas)			
21		(Related Cases)			
22	PEOPLE OF THE STATE OF CALIFORNIA, ex rel. BILL LOCKYER, Attorney General,	) No. CIV-S-05-0211 MCE/GGH			
23	Plaintiff,	) }			
24	v.	)			
25	UNITED STATES DEPARTMENT OF	) )			
26	AGRICULTURE, <i>et al.</i> ,  Federal Defendants.	) )			
27		) )			
28	SIERRA FOREST LEGACY et al.,	) )			
		) No. CIV-S-05-0205 MCE/GGH			

1	Plaintiffs, )			
2	v. (			
3	MARK REY, in his official capacity as Under ) Secretary of Agriculture, <i>et al.</i> ,			
4				
5	Federal Defendants. )			
6	The parties in these three related cases are currently briefing the question of the			
7	appropriate remedy. In each case the Court has entered the parties' stipulated briefing schedule.			
8	[No. 05-0205, Dkt. No. 257; No. 05-0211, Dkt. No. 176; No. 05-0905, Dkt. No. 134]. The Court			
9	has set a hearing on remedy in all three related cases for December 19, 2008.			
10	Under the existing schedule, Defendant and Defendant-Intervenors in Sierra Forest Legacy			
11	v. Rey, No. 05-0205 MCE/GGH, are to submit their opening briefs on remedy on October 22,			
12	2008, Plaintiffs are to reply by November 12, 2008, and Defendant and Defendant-Intervenors are			
13	to submit their reply by November 26, 2008. [Dkt. No. 257, in Case No. 05-0205].			
14	Counsel for the parties in Sierra Forest Legacy v. Rey have conferred and agreed to			
15	extend the deadline for Defendants' opening brief by one week and to extend the deadline for			
16	Plaintiffs' reply brief by one week. Counsel for the parties in <u>California v. U.S. Dep't of Agric.</u> ,			
17	No. 05-0211-MCE-GGH, and California Forestry Ass'n v. Bosworth, No. 05-0905-MCE-GGH,			
18	have conferred and agreed to adjust the remaining deadlines in those cases so that the relative			
19	order of the briefing in all three cases is maintained and the cases proceed in an orderly fashion.			
20	This agreement allows completion of all briefing in all three cases prior to the scheduled			
21	December 19, 2008 hearing. This agreement would not alter the hearing date set by the Court.			
22	NOW THEREFORE the undersigned stipulate as follows:			
23	1. In the matter of Sierra Forest Legacy v. Rey, No. 05-0205 MCE/GGH,			
24	(A) Defendants and Defendant-Intervenors will file their opening brief no later than			
25	October 29, 2008.			
26	(B) Plaintiffs will file their reply no later than November 26, 2008.			

Page 1

1		(C)	Defendants and Defer	ndant-Intervenors will file their final briefs no later than
2			December 10, 2008.	The final briefs will not include any new declarations or new
3			arguments.	
4	2.	2. In the matter of <u>California v. U.S. Dep't of Agric.</u> , No. 05-0211-MCE-GGH,		
5		(A)	Defendants and Defer	ndant-Intervenors will file their opening brief no later than
6			November 5, 2008.	
7		(B)	Plaintiffs will file their	r reply no later than November 26, 2008.
8		(C)	Defendants and Defer	ndant-Intervenors will file their final briefs no later than
9			December 12, 2008.	The final briefs will not include any new declarations or new
10			arguments.	
11	3.	In the	ne matter of California Forestry Ass'n v. Bosworth, No. 05-0905-MCE-GGH,	
12		(A)	Defendants and Defendant-Intervenors will file their opening brief no later than	
13			November 17, 2008.	
14		(B)	Plaintiffs will file their	ir reply no later than November 28, 2008.
15		(C)	Defendants and Defen	ndant-Intervenors will file their final briefs no later than
16			December 15, 2008.	The final briefs will not include any new declarations or new
17			arguments.	
18	4. All three matters remain set for hearing on December 19, 2008. Arguments will be based		for hearing on December 19, 2008. Arguments will be based	
19	on the briefs, declarations (if any), and the record, and no witness will be presented.			
20		Counsel may appear at the hearing by telephone.		
21	Datad:	Octob	er 20, 2008	Respectfully submitted,
22	Dateu.	Octobe	20, 2008	McGREGOR W. SCOTT
23				United States Attorney DAVID T. SHELLEDY
24				Assistant United States Attorney
25				RONALD J. TENPAS Assistant Attorney General
26				Assistant Attorney General Environment & Natural Resources Division
27				/s/ Barclay T. Samford BARCLAY T. SAMFORD
28				Trial Attorney Natural Resources Section
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6	CIV-S-05-0205 MCE/GGH, People of the State of California v. United States Department of Agriculture, et al., CIV-S-05-0211 MCE/GGH, and California Forestry Association et al. v.		
	Kimbell et al., No. CIV-S-05-0905 MCE/GGH.		
7			
8	Dated: October 20, 2008 Respectfully submitted,		
9	/s/David B. Edelson DAVID B. EDELSON		
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17	Attorneys for Sierra Forest Legacy et al. Plaintiffs in Sierra Nevada Forest Protection Campaign et		
18	al. v. Rey et al., CIV-S-05-0205 MCE/GGH, and Defendant-Intervenors in California Forestry Association et al. v. Kimbell et al., No. CIV-S-05-0905 MCE/GGH.		
19			
20	Dated: October 20, 2008 Respectfully Submitted		
21	EDMUND G. BROWN, JR.		
22	Attorney General SALLY MAGNANI KNOX		
23	JAMIE JEFFERSON Deputy Attorney General		
24	/s/ Janill L. Richards		
25	JANILL L. RICHARDS Deputy Attorney General		
26	1515 Clay Street, Suite 2000 Oakland, CA 94612-0550		
27	Attorneys for PEOPLE OF THE STATE OF CALIFORNIA, ex. Rel. EDMUND G. BROWN JR., ATTORNEY GENERAL, plaintiff in People of the State of California v. United States		
28	Department of Agriculture, et al., CIV-S-05-0211 MCE/GGH.		

1	Dated: October 20, 2008	Respectfully submitted,		
2 3 4		Steven P. Rice (SBN 094321) CROWELL & MORING LLP 3 Park Plaza 20th Floor Irvine, CA 92614-8505		
5		/s/ Thomas R. Lundquist		
6		/s/ Thomas R. Lundquist Thomas R. Lundquist (D.C. Bar No. 968123, pro hac vice) J. Michael Klise (D.C. Bar No. 412420; pro hac vice)		
7 8		Steven P. Quarles (D.C. Bar No. 351668) CROWELL & MORING LLP 1001 Pennsylvania Avenue, N.W. Washington, D.C. 20004-2595		
9	Attamage for Plaintiffs California Es			
10	Attorneys for Plaintiffs California Forestry Ass'n and American Forest & Paper Ass'n in California Forestry Association et al. v. Kimbell et al., No. CIV-S-05-0905 MCE/GGH; and Attorneys for Intervenor-Defendants Tuolumne County Alliance for Resources & Environment, et			
11	al. in <u>Sierra Nevada Forest Protection Campaign et al. v. Rey et al.</u> , CIV-S-05-0205 MCE/GGH, and <u>People of the State of California v. United States Department of Agriculture</u> , et al.,			
12	CIV-S-05-0211 MCE/GGH			
13	Dated: October 20, 2008	Respectfully submitted,		
14		/s/ Brain A. Kelly BRAIN A. KELLY		
15		DUANE MORRIS, LLP		
16		One Market St., Spear Tower, Suite 2000 San Francisco, CA 94105		
17 18	Attorney for California Ski Industry Association, Intervenor in <u>Sierra Nevada Forest Protection</u> Campaign et al. v. Rey et al., CIV-S-05-0205 MCE/GGH, and <u>People of the State of California v.</u> United States Department of Agriculture, et al., CIV-S-05-0211 MCE/GGH			
19				
20	Dated: October 20, 2008	Respectfully submitted		
21		/s/ Michael B. Jackson MICHAEL B. JACKSON 429 West Main St.		
22		Quincy, CA		
23	Attorney for Quincy Library Group and Plumas County, Intervenors in Sierra Nevada Forest			
24	Protection Campaign et al. v. Rey et al., CIV-S-05-0205 MCE/GGH, People of the State of California v. United States Department of Agriculture, et al., CIV-S-05-0211 MCE/GGH, and			
25	Pacific Rivers Council v. United Sta	tes Forest Service et al., CIV-S-05-0953 MCE/GGH.		
26	Dated: October 20, 2008	Respectfully submitted,		
27		/s/ William J. Thomas		
28		WILLIAM J. THOMAS Best Best & Krieger LLP 400 Capitol Mall, Suite 1650		

1 Sacramento, CA 95814 2 Attorneys for California Cattlemen's Association, Intervenor in Sierra Nevada Forest Protection Campaign et al. v. Rey et al., CIV-S-05-0205 MCE/GGH, and People of the State of California v. United States Department of Agriculture, et al., CIV-S-05-0211 MCE/GGH. 3 4 5 **ORDER** Pursuant to the foregoing stipulation of the parties, IT IS SO ORDERED. 6 7 1. In the matter of Sierra Forest Legacy v. Rey, No. 05-0205 MCE/GGH, 8 Defendants and Defendant-Intervenors will file their opening brief no later than (A) October 29, 2008. 9 10 (B) Plaintiffs will file their reply no later than November 26, 2008. 11 (C) Defendants and Defendant-Intervenors will file their final briefs no later than 12 December 10, 2008. The final briefs will not include any new declarations or new 13 arguments. In the matter of California v. U.S. Dep't of Agric., No. 05-0211-MCE-GGH. 14 2. 15 Defendants and Defendant-Intervenors will file their opening brief no later than (A) 16 November 5, 2008. 17 Plaintiffs will file their reply no later than November 26, 2008. (B) 18 (C) Defendants and Defendant-Intervenors will file their final briefs no later than 19 December 12, 2008. The final briefs will not include any new declarations or new 20 arguments. 21 In the matter of California Forestry Ass'n v. Bosworth, No. 05-0905-MCE-GGH, 3. 22 (A) Defendants and Defendant-Intervenors will file their opening brief no later than 23 November 17, 2008. 24 (B) Plaintiffs will file their reply no later than November 28, 2008. 25 (C) Defendants and Defendant-Intervenors will file their final briefs no later than 26 December 15, 2008. The final briefs will not include any new declarations or new 27 arguments. 28

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4. All three matters remain set for hearing on December 19, 2008. Arguments will be based on the briefs, declarations (if any), and the record, and no witness will be presented. Counsel may appear at the hearing by telephone.
Dated: October 21, 2008

MORRISON C. ENGLAND JR. UNITED STATES DISTRICT JUDGE